

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ROSEMARY SALAS

VS.

WAL-MART, WAL-MART STORES, INC.,
AND WAL-MART STORES TEXAS, LLC

§
§
§
§
§

C.A. NO. 5:20-cv-544

JURY DEMANDED

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Please take notice that Defendants, Wal-Mart, Wal-Mart Stores, Inc., and Wal-Mart Stores Texas, LLC, hereby remove to the Court the state action described below.

1. On March 25, 2020, a civil action was commenced, in the 37TH Judicial District Court of Bexar County, Texas, entitled *Roemary Salas v. Wal-Mart, Wal-Mart Stores, Inc., and Wal-Mart Stores Texas, LLC*, Cause No. 2020CI06165. A copy of Plaintiff's Original Petition with Discovery Incorporated, Rule 194.2 Requests for Disclosure, Rule 193.7 Notice of Reliance and Rule 609 Request for Notice of Criminal Convictions is attached hereto as **Exhibit A**.

2. Service of summons and complaint was made on Defendants, Wal-Mart, Wal-Mart Stores, Inc., and Wal-Mart Stores Texas, LLC by process server on April 3, 2020. Defendants first received a copy of said Petition on April 14, 2020. Copies of the Citations are attached hereto as **Exhibit B**.

3. Defendants have filed an Original Answer, which is attached as **Exhibit C**, a Demand for Jury Trial, which is attached as **Exhibit D**, a Notice of Filing of Removal to Federal Court, attached as **Exhibit E** and List of Counsel of Record, attached as **Exhibit F**. Defendants have attached all process, pleadings, and orders in the State Court action as required by 28 U.S.C. 1446(a).

JURISDICTION AND VENUE

4. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties. Defendant, Wal-Mart Stores Texas, LLC is a limited liability company formed under the laws of Delaware, with its principal place of business in Arkansas. The sole member of Wal-Mart Stores Texas, LLC is Wal-Mart Real Estate Business Trust. Wal-Mart Real Estate Business Trust is a Delaware statutory trust with its principal place of business in Arkansas. The sole unit holder of Wal-Mart Real Estate Business Trust is Wal-Mart Property Co. which is a wholly owned subsidiary of Wal-Mart Stores East, LP. Wal-Mart Property Co. is a corporation formed under the laws of the State of Delaware with its principal place of business in the State of Arkansas. Wal-Mart Stores East, LP is a Delaware limited partnership, of which WSE Management, LLC is the general partner, and WSE Investment, LLC is the limited partner. WSE Management, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. WSE Investment, LLC is a Delaware limited liability company, and has its principal place in Bentonville, Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC. (f/k/a Wal-Mart Stores East, Inc.), whose parent company is Walmart Inc. (f/k/a Wal-Mart, Inc.). Wal-Mart Stores East, LLC is a limited liability company formed under the laws of the State of Arkansas, and has its principal place of business in the State of Arkansas. The sole member of Wal-Mart Stores East, LLC is Walmart Inc. (f/k/a Wal-Mart, Inc.). Walmart, Inc. is incorporated under the laws of the state of Delaware with its principal place of business in Bentonville, Arkansas. As such, Defendants Walmart, Inc. and Wal-Mart Stores Texas, LLC are not Texas citizens. Plaintiff is a Texas citizen, with her residence in Bexar County, Texas.

5. The amount in controversy exceeds the sum of Seventy-five Thousand Dollars

(\$75,000.00), exclusive of interest and costs. *See page 1 of Plaintiff's Original Petition.*

7. Venue is proper in the Western District of Texas, San Antonio Division because this District and Division embrace the place in which the action is pending.

Dated: May 1, 2020

Respectfully submitted,

Daw & Ray
A Limited Liability Partnership

/s/ Willie Ben Daw, III
Willie Ben Daw, III; TBN: 05594050
Email: wbdaw@dawray.com
James K. Floyd; TBN: 24047626
Email: jfloyd@dawray.com
14100 San Pedro Ave., Suite 302
San Antonio, Texas 78232
(210) 224-3121 Telephone
(210) 224-3188 Facsimile

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by Electronic Service on this 1st day of May, 2020.

Curtis L. Cukjati
Troy "Trey" S. Martin, III
Jeffrey J. Tom
Jacob D. Cukjati
Martin Cukjati & Tom, LLP
1802 Blanco Road
San Antonio, Texas 78212

Email: attorney@mcfirm.com

/s/ Willie Ben Daw, III
Willie Ben Daw, III

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ROSEMARY SALAS

VS.

WAL-MART, WAL-MART STORES, INC.,
AND WAL-MART STORES TEXAS, LLC

§
§
§
§
§
§

C.A. NO.

JURY DEMANDED

INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION

- (A) Plaintiff's Original Petition with Discovery Incorporated, Rule 194.2 Requests for Disclosure, Rule 193.7 Notice of Reliance and Rule 609 Request for Notice of Criminal Convictions
- (B) Citations
- (C) Defendants' Original Answer
- (D) Defendants' Demand for Jury Trial
- (E) Notice of Filing of Removal to Federal Court
- (F) List of Counsel of Record